

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTHONY RIGGINS,	:	Case No. 1:01-CV-503
	:	
Plaintiff,	:	Judge Barrett
	:	
vs.	:	
	:	
FORREST HUNT, et al.,	:	<u>PLAINTIFF'S MOTION FOR RECESS DURING TRIAL ON AUGUST 25, 2006</u>
	:	
Defendants.	:	

MOTION AND MEMORANDUM IN SUPPORT

The jury trial in this case is set for the week starting August 21, 2006. Plaintiff's counsel have a conflict on Friday, August 25, 2006. Plaintiff's counsel are also class counsel in the class action case of *Hernandez v. Wilkinson*, ND OH Case No. 1:06-cv-00158, which was recently set for a fairness hearing on the class action settlement on August 25, 2006 in Akron. The date of the fairness hearing cannot be changed since the class notice is being prepared and the class includes approximately 29,000 people.

Plaintiff's counsel does not believe the *Riggins* trial will take past Thursday, August 24, 2006, given that the first trial took 3 days. However, if the case does take longer to try, Plaintiff requests a recess on Friday, August 25, 2006 and the case re-convene on Monday August 28, 2006.

Defendants do not object to this request.

Respectfully submitted,

s/ Jennifer L. Branch
Jennifer L. Branch (0038893)

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2006, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch
Attorney for Plaintiff